

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

CREIGHTON TAKATA, Individually and on  
behalf of all others similarly situated,

Plaintiff,

vs.

RIOT BLOCKCHAIN, INC. F/K/A, BIOPTIX,  
INC., JOHN O'ROURKE, and JEFFREY  
MCGONEGAL,

Defendants.

Civil Action No.: 18-2293(FLW)(TJB)

**[PROPOSED] ORDER**

MOTION RETURN DATE: APRIL 15, 2019

**THIS MATTER** having been presented to the Court by Defendant Barry C. Honig (“Mr. Honig”), seeking an Order dismissing Count II of Lead Plaintiff’s Consolidated Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.*, and for such other and further relief as the Court deems just and proper, and the Court having considered the papers submitted in support of the within Motion, any Opposition thereto, any papers filed in reply thereto, and oral arguments, if any, and the Court having further considered the pleadings in this matter and the record of the proceedings, and for other and good cause having been shown;

**IT IS** on this \_\_\_\_\_ day of \_\_\_\_\_, 2019;

**ORDERED** that Mr. Honig's Motion to Dismiss Count II of Lead Plaintiff's Consolidated Class Action Complaint pursuant to Fed. R. Civ. P. 12(b)(6) and 9(b), and the Private Securities Litigation Reform Act of 1995, 15 U.S.C. § 78u-4, *et seq.* is hereby granted.

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**HONORABLE FREDA L. WOLFSON**  
**UNITED STATES DISTRICT JUDGE**